

REMARKS

The Office Action mailed July 19, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claims 65-71 continue to be rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fujita et al. (U.S. pat. no. 6,118,435, “Fujita”).

Claim 65, from which the remaining claims depend, recites, inter alia, “a first piezoelectric actuator *directly* coupled to the touch screen.” (Emphasis added). This feature is not disclosed in Fujita. Rather, Fujita shows the driving portion 5 coupled to touch panel 3 by way of support plate 4 and press detection switch 6, which are disposed between the driving portion and the touch panel. There is no direct coupling of an actuator to a touch screen in Fujita.

The Office Action acknowledges this deficiency, but alleges that direct coupling would have been obvious to one of ordinary skill in the art because Fujita states that “the driving portion 5 may be at only one place or at more than one places (sic) *on the peripheral portion* of touch panel 3.” (Col. 5, ll. 56-58, emphasis added). Applicant respectfully disagrees that this, or any other passage in Fujita, renders direct coupling obvious. The emphasized language above clearly indicates that Fujita is referring to peripheral portions of the touch panel 3 when describing possible alternate or additional locations for the driving portion 5. This is particularly evident when FIG. 1 is taken into account, which shows multiple locations of driving portion 5, *all of which involve indirect coupling to touch panel 3*.

The Office Action then cites *In re Japikse*, 86, USPQ 70 CCPA (1950), and alleges that the claimed direct coupling is insignificant in the same manner as shifting the location of a part to a different position would be. Applicant again respectfully disagrees. Is the difference between a front wheel-drive vehicle and a rear wheel-drive vehicle using a long, heavy, transversely-mounted drive shaft to couple the engine to the rear wheels insignificant? Applicant respectfully submits that similarly equating direct vs. indirect coupling in a haptic feedback device with a mere shift of a location of a part is an oversimplification that overlooks many

significant distinctions, such as compactness, robustness, force damping, friction, attachment issues, and so forth.

It will be appreciated that, according to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

In the instant case, there is no suggestion in Fujita to use direct coupling, as the above discussion makes clear, and there is no motivation to modify Fujita to achieve the claimed direct coupling. Applicant respectfully submits that any allegation to the contrary is impermissibly grounded in hindsight gleaned from familiarity with applicant's own disclosure. Accordingly, withdrawal of the obviousness rejection based on Fujita is urged.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.


If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

¹ M.P.E.P § 2143.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, L.L.P.

Dated: 10/19/2006


Khaled Shami
Reg. No. 38,745

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 282-1855
Fax. (408) 287-8040